



9 EAST 40TH STREET, 14TH FLOOR, NEW YORK, NEW YORK 10016
212.447.5500 (main) • 212.889.2981 (fax)

November 25, 2013

Via Electronic Filing

Hon. Judge William D. Wall
United States District Court
Eastern District of New York
Long Island Federal Courthouse
944 Federal Plaza
Central Islip, New York 11722

Re: Spector Group 11, LLP v. Transportation Insurance Co., *et al.*
– Index No.: CV 12-3081

Dear Judge Wall:

We serve as counsel to Plaintiff, Spector Group 11, LLP (“Spector”), in the above-referenced matter. Please allow this communication to serve as Spector’s discovery status update to Your Honor, as requested during our conference call on Friday, November 22, 2013.

To date, Spector has responded to all discovery demands served upon it. Spector, intervenor Plaintiff, SG Design Build LLC (“SG Design”), defendant, Transportation Insurance Company (“TIC”), and intervenor defendant, Continental Casualty Company (“CCC”) (collectively, the “Parties”) have begun to review available dates for depositions, beginning with Mr. Spector on December 17, 2013. CCC’s and TIC’s counsel recently requested that SG Design and Spector consent to a 90-day extension of discovery dates in this matter. On behalf of Spector, we would consent to a 90-day extension of discovery only if the Court similarly permitted a 90-day extension of the trial date of this matter. We are not confident that such an adjournment will be granted. A September 23, 2013 docket entry in this case states that “Jury Selection will be set for a date in June 2014 . . . A specific date will be determined as we approach June 2014. Have witnesses ready for trial. NO ADJOURNMENTS.” Absent confirmation that Judge Wexler will adjourn the trial to September 2014, we cannot consent to a 90-day discovery extension. We are prepared to cooperate with efforts by counsel for TIC and CCC to obtain that assurance. If obtained, we will consider consenting to the requested extension of discovery deadlines.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Todd J. DeSimone".

Todd J. DeSimone

Hon. Judge William D. Wall

November 25, 2013

Page 2 of 2

cc: Christopher P. McCabe, Esq. (via e-mail)

Matthew R. Maron, Esq. (via electronic filing)
Tannenbaum Helpern Syracuse & Hirschtritt LLP
900 Third Avenue
New York, NY 10022

Greta Matzen, Esq. (via electronic filing)
Colliau Carluccio Kenner Morrow
Peterson & Parsons
333 S. Wabash Avenue, 25th Floor
Chicago, IL 60606